

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BROADCAST MUSIC, INC., JAY-BOY
MUSIC CORP.; UNIVERSAL-SONGS OF
POLYGRAM INTERNATIONAL, INC.;
SONY/ATV SONGS LLC; WARNER-
TAMERLANE PUBLISHING CORP.;
ELEKSYLUM MUSIC, INC.; NO
SURRENDER MUSIC, a division of
PRAXIS INTERNATIONAL
COMMUNICATIONS, INC.; EMI ALGEE
MUSIC CORP.; NEWWRITERS MUSIC;
MJ PUBLISHING TRUST d/b/a MIJAC
MUSIC; SONY/ATV SONGS LLC d/b/a
SONY/ATV TREE PUBLISHING

Plaintiff,

v.

OFF THE WAGON, LLC d/b/a DIRTY DOG
BAR AND CHRIS L. WEINHEIMER

Defendants.

Civil Action No: 1:10-cv-487

ANSWER OF DEFENDANTS OFF THE WAGON, LLC d/b/a DIRTY DOG
BAR AND CHRIS L. WEINHEIMER

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, OFF THE WAGON, LLC, d/b/a DIRTY DOG BAR and CHRIS

L. WEINHEIMER (collectively “Defendants”), by and through their attorney of record, and for their Answer to Plaintiff’s Original Complaint allege and state, as follows:

1. Defendants admit this Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1338 (a).

2. Defendants admit they are residents of Texas but deny any copyright infringement.

3. Defendants admit Venue is proper in this Court.

4. Defendants have no knowledge regarding the proper Plaintiff or the residence address of Plaintiff or whether Plaintiff has the rights alleged in Paragraph 4; and those allegations are therefore denied.

5. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 5; and those allegations are therefore denied.

6. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 6; and those allegations are therefore denied.

7. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 7; and those allegations are therefore denied.

8. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 8; and those allegations are therefore denied.

9. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 9; and those allegations are therefore denied.

10. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 10; and those allegations are therefore denied.

11. Defendants have no knowledge regarding the Plaintiff and the allegations

made in Paragraph 11; and those allegations are therefore denied.

12. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 12; and those allegations are therefore denied.

13. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 13; and those allegations are therefore denied.

14. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 14; and those allegations are therefore denied.

15. Defendants have no knowledge regarding the Plaintiff and the allegations made in Paragraph 15; and those allegations are therefore denied.

16. Defendants admit Off The Wagon, LLC is a limited liability company organized under the laws of Texas and which operates the Dirty Dog Bar.

17. Defendants deny that Off The Wagon, LLC performs musical compositions but admits that musical compositions are publicly performed at such establishment. Defendant admits that it has a financial interest in the establishment and that it has primary responsibility for the operation and management of the establishment known as Dirty Dog Bar.

18. Defendants deny that Defendant Chris L. Weinheimer has primary responsibility for the operation and management of the establishment or corporation.

19. Defendants deny the allegations made in Paragraph 19.

20. Defendants repeats and realleges all responses to allegations contained in Paragraphs 1-19.

21. Defendants deny the allegations made in Paragraph 21.

22. Defendants deny the allegations made in Paragraph 22 and object to the

Schedule as being unverified.

23. Defendants are without sufficient knowledge or information to either admit or deny the allegations of Paragraph 23 and those allegations are, therefore, denied.

24. Defendants are without sufficient knowledge or information to either admit or deny the allegations of Paragraph 24 and those allegations are, therefore, denied.

25. Defendants are without sufficient knowledge or information to either admit or deny the allegations of Paragraph 25 and those allegations are, therefore, denied.

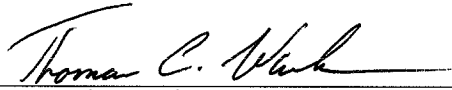
26. Defendants deny the allegations of Paragraph 26.

27. Defendants deny the allegations of Paragraph 27 and Relief sought by Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Defendants request that the Court dismiss this suit and find that the Plaintiff take nothing, that Defendants be reimbursed for any and all attorneys' fees, costs and expense incurred by reason of this suit, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

KUPERMAN, ORR & ALBERS, P.C.


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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading was served, via First Class Mail, postage prepaid, on this 23rd day of September, 2010, upon the following counsel of record:

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